



PATENT
Attorney Docket No. CON-004
(1790/66)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Engel

SERIAL NO.:

09/401,874

GROUP NO.:

2114

FILING DATE:

September 23, 1999

EXAMINER:

Le, Diet-Minh T

TITLE:

IDENTIFYING A FAILED DEVICE IN A NETWORK

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7th day of January, 2005.

Alison R. Sher

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

- 1. Transmittal Form (1 pg.);
- 2. Fee Transmittal Form (1 pg.);
- 3. Check No. 240116 in the amount of \$180.00;
- 4. Second Information Disclosure Statement (2 pgs.);
- 5. Form PTO-1449 (1 pg.);
- 6. Copies of IDS Citations (C1-C3); and
- 7. Return Receipt Postcard.

| OIDE. | | | | | | | | | |
|--|---|---|--|--|-----------------|---|--|--|--|
| 1 JAN | 1 0 2005 | | Application | Serial Number | (| 09/401,874 | | | |
| B JAN | TRANSMITTA | Filing Date | | | - ! | September 23, 1999 | | | |
| E. | . EX. CX | | First Named Inventor | | 1 | Engel . | | | |
| V | TRANSMITTA | T | Group Art Unit | | 7 | 2114 | | | |
| | | LL | Examiner Name | | Le, Diet-Minh T | | | | |
| | FORM | | Attorney Do | ocket No. | 7 | CON-004 (1790/66) | | | |
| | | Patent No. | | | 1 | Not applicable | | | |
| | | | Issue Date | | | Not applicable | | | |
| ENCLOSURES (check all that apply) | | | | | | | | | |
| ⊠ Fee | Transmittal Form (1 pg.) | | Copy of Notice Parts of Applic | e to File Missing cation | | Notice of Appeal to Board of Patent Appeals and Interferences | | | |
| | ☐ Check Attached ☐ Copy of Fee Transmittal Form | | Formal Drawir | ng(s) | | Appeal Brief (in triplicate) | | | |
| □• | Amendment/Response | Request For Confidence (In Transmittal | | | | Status Inquiry | | | |
| | ☐ After Final ☐ Affidavits/declaration(s) | | Power of Attorney | | \boxtimes | Return Receipt Postcard | | | |
| | Letter to Official Draftsperson including Drawings | | (Revocation of | t Prior Powers) | | Certificate of First Class Mailing under 37 C.F.R. 1.8 | | | |
| | [Total Sheets] | | Terminal Disclaimer | | | Certificate of Facsimile Transmission under 37 C.F.R. 1.8 | | | |
| | Petition for Extension of Time | | | aration and Power Utility or Design tion | | Additional Enclosure(s) (please identify below) | | | |
| | Second Information Disclosure Statement (2 pgs.) | | Small Entity S | tatement | | | | | |
| | | | CD(s) for large table or computer program | | | | | | |
| | Certified Copy of Priority Document(s) | | | fter Allowance | | | | | |
| | Sequence Listing submission Paper Copy/CD Computer Readable Copy Statement verifying identity of above | | Request for Ce Correction Certificate duplicate) | of Correction (in | | | | | |
| CORRESPONDENCE ADDRESS SIGNATURE BLOCK | | | | | | | | | |
| Direct al | Patent Adm Testa, Hurv High Street 125 High S Boston, M Tel. No.: (6 | vitz & Thi Tower treet A 02110 517) 248-7 | Date: January 7, 200 Reg. No. 50,389 Tel. No.: (617) 248 | | -709] | | | | |

OFFEE TRANSMITTAL JAN 1 0 2005 FY 2005

| | Complete if Known |
|---------------------------|--------------------|
| Application Serial Number | 09/401,874 |
| Filing Date | September 23, 1999 |
| First Named Inventor | Engel |
| Group Art Unit | 2114 |
| Examiner Name | Le, Diet-Minh T |
| Attorney Docket No. | CON-004 (1790/66) |

| RADEMAN METHOD OF PAYMENT | FEE CALCULATION (continued) | | | | | | |
|---|--|------------|--|----------|--|--|--|
| 1. Payment Enclosed: | 3. ADDITIONAL FEES | | | | | | |
| Check Money Order Other | Large | Small | | | | | |
| | Entity | Entity | | | | | |
| 2. The Commissioner is hereby authorized to credit | Fee | Fee | Fee Description | Fee Paid | | | |
| or charge any fee indicated below for this submission | (\$) | (\$) | • | | | | |
| to Deposit Account No. 20-0531. | | | | | | | |
| Required Fees (copy of this sheet enclosed). | 130 | 65 | Surcharge - late filing fee or oath | | | | |
| Additional fee required under 37 CFR 1.16 and | 50 | 25 | Surcharge - late provisional filing fee | | | | |
| 1.17. | "" | | or cover sheet | | | | |
| · | 130 | 130 | Non-English specification | | | | |
| Overpayment Credit. | 2,520 | 2,520 | Request for ex parte reexamination | | | | |
| 3. Applicant claims small entity status. | | - | | | | | |
| FEE CALCULATION | 120 | 60 | Extension for reply within first month | | | | |
| 1. FILING/SEARCH/EXAM/SIZE FEES | 450 | 225 | Extension for reply within second | | | | |
| y mosts | 1020 | 510 | month | | | | |
| Large Entity | 1020 | 510 | Extension for reply within third month | | | | |
| Fee (\$) Fee Description Fee Paid | 1590 | 795 | Extension for reply within fourth | | | | |
| • | 2160 | 1080 | month Extension for reply within fifth month | | | | |
| 200 INIVESTINA CO | 2160 | | Extension for reply within fifth month | | | | |
| 300 Utility filing fee | 500 | 250 250 | Notice of Appeal | | | | |
| 500 Utility search fee | 500 1000 | 500 | Filing a brief in support of an appeal Request for oral hearing | | | | |
| 200 Utility exam fee | 400 | 400 | Petitions to the Commissioner (Gp. I) | | | | |
| Utility size fee (each add'l 50 pgs. over 100) | | 200 | \ 1 / | | | | |
| 200 Design filing fee | 200 | 130 | Petitions to the Commissioner (Gp. II) Petitions to the Commissioner (Gp. III) | | | | |
| 100 Design search fee | 130 | 130 | Submission of Information Disclosure | 180.00 | | | |
| 130 Design exam fee | 180 | 180 | Statement Statement | 160.00 | | | |
| 250 Design size fee (each add'l 50 pgs. over 100) | 790 | 395 | Filing a submission after final | | | | |
| | /90 | 393 | rejection (37 CFR 1.129(a)) | | | | |
| Normalism Normalism Data Amount | 790 | 395 | For each additional invention to be | | | | |
| Number Number Rate Amount Filed Extra | /90 | 393 | examined (37 CFR 1.129(b)) | | | | |
| Filed Extra Total Claims $-20 = x $50.00 =$ | 100 | 100 | Certificate of Correction for | | | | |
| 10tal Claims - 20 - X \$ 50.00 - | 100 | 100 | applicant's error | | | | |
| Independent | 130 | 65 | Submission of Terminal Disclaimer | | | | |
| Claims - 3 = x \$200.00 = | | (Specify) | Submission of Terminal Discianner | | | | |
| Ciallis - 5 - X \$200.00 | 1 | (Specify) | | <u></u> | | | |
| ☐ Multiple Dependent Claim(s), if any \$360.00 = | Other rec | (Specify) | | ··· | | | |
| TOTAL: | | | | | | | |
| SMALL ENTITY DISCOUNT: | | | | | | | |
| SUBTOTAL (1) (\$) 0 | 1 | | • | | | | |
| 2. AMENDMENT CLAIM FEES | 1 | | | | | | |
| Claims Highest No. Present Rate Fee Paid | ĺ | | SUBTOTAL (3) | 180.00 | | | |
| Remaining Previously Extra | | | (0) | | | | |
| After Amend. Paid For | | | | | | | |
| | ļ | | | | | | |
| Total - = $x $ 50.00 =$ | | | SUBTOTAL (1) | 0 | | | |
| Indep = $x \$ 200.00 =$ | SUBTOTAL (2) 0 | | | | | | |
| First Presentation of Multiple Dep. + \$ 360.00 = | | | SUBTOTAL (3) | 180.00 | | | |
| Claim | | | | L | | | |
| TOTAL: (\$) | | | | | | | |
| SMALL ENTITY DISCOUNT: (\$) | 1 | | | | | | |
| SUBTOTAL (2) (\$) 0 | 1 | | TOTAL (\$) | 180.00 | | | |
| CODDECRONDENCE ADDRECC | <u> </u> | | SIGNATURE BLØCK | | | | |
| CORRESPONDENCE ADDRESS | | | | | | | |
| Direct all correspondence to: | | | Respectfully submitted, | _ / | | | |
| Patent Administrator | Date: Januar | v 7. 2005 | / Wist of | /、 | | | |
| Testa, Hurwitz & Thibeault, LLP | Reg. No.: 50 | | Robert 8. Blasi, Esq. | _ / ^ | | | |
| High Street Tower-125 High Street | Tel. No.: (61 | | | / | | | |
| Boston, MA 02110 | | | | 1LP | | | |
| Tel. No.: (617) 248-7000 | Fax No.: (617) 248-7100 Testa, Hurwitz & Thibeault, LLP High Street Tower-125 High Street | | | | | | |
| Fax No.: (617) 248-7100 | | | Boston, MA 02110 | Jucci | | | |
| _ | | | DOSION, WIA 02110 | | | | |



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Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SECOND INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicant hereby makes of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. In accordance with the U.S. Patent Office's partial waiver of the requirement under 37 C.F.R. 1.98(a)(2)(i), only copies of the non-patent publications (C1-C3) are enclosed.

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REMARKS

| T. | accordance with the | nrominiona | of 27 CED | 1.07 | this statement | ic | haina | filed | CHECK | OME). |
|----|---------------------|------------|-----------------|-------|----------------|-----|-------|-------|--------|-------|
| ın | accordance with the | nrovisions | AT 3 / L. P. K. | 1 47/ | inis siaiemeni | -18 | neino | mea | LUBELN | UNICH |

| | (1) | within three (3) months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. 1.114; or |
|-------------|-------------|--|
| \boxtimes | (2) | after the period defined in (1) but before the mailing date of a final action or a notice of allowance under 37 C.F.R. 1.311, and |
| | | the requisite Statement is below, OR |
| | \boxtimes | the requisite fee under 37 C.F.R. 1.17(p), namely \$180.00, is included herein, or |

| | (3 | • | the mailing date of a final action or notice of allowance but before the payment be issue fee, AND |
|---------|-----------|-----------|---|
| | |] the r | requisite Statement is below, AND |
| | |] the r | equisite petition fee under 37 C.F.R. 1.17(p), namely \$180.00 is included herein. |
| | - | • | equested that each of the patents and publications listed on the attached Form formation contained herein, be made of record in this application. |
| | | | STATEMENT |
| , A | s requi | red under | 37 C.F.R. 1.97(e), Applicant, through the undersigned, hereby states either that |
| [check | the ap | propriate | e space only if either (2) or (3) is checked on the previous page <u>and</u> the |
| Staten | nent is 1 | required] | : |
| | | 1. | Each item of information contained in the Information Disclosure Statement was |
| | | | first cited in any communication from a foreign patent office in a counterpart |
| | | | foreign application not more than three months prior to the filing of the |
| | | | Information Disclosure Statement; or |
| | | 2. | No item of information contained in the Information Disclosure Statement was |
| | | | cited in a communication from a foreign patent office in a counterpart foreign |
| | | | application, and, to the knowledge of the person signing this Statement after |
| | | | making reasonable inquiry, no item of information contained in the Information |
| | | | Disclosure Statement was known to any individual designated in 37 C.F.R. |
| | | | 1.56(c) more than three months prior to the filing of the Information |
| | | | Disclosure Statement. |
| | | | Respectfully submitted |
| Date: | January | 7, 2005 | 1. |
| Reg. N | lo. 50,38 | 89 | Robert-8. Blasi, Esq. |
| | | | Attorney for the Applicant / Testa, Hurwitz, & Thibeault, LLP |
| Tel. No | o.: (617 |) 248-709 | |
| | |) 248-710 | <u> </u> |
| | | | Boston, Massachusetts 02110 |

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SECOND INFORMATION DISCLOSURE **STATEMENT**

ATTORNEY DOCKET NO.: CON-004 (1790/66)

APPLICANT: Engel

SERIAL NO.: 09/401,874

FILING DATE: September 23, 1999

GROUP: 2114

U.S. PATENT DOCUMENTS EXAM. DOCUMENT DATE NAME CLASS SUB FILING DATE IF INIT. **CLASS** APPROPRIATE NUMBER A2 5751965 5/12/98 Desroches et al. FOREIGN PATENT DOCUMENTS COUNTRY **FILING** EXAM. **DOCUMENT** DATE **CLASS** SUB **ABSTRACT ENGLISH** INIT. NUMBER CODE CLASS DATE ONLY LANG (Y/N) OTHER ART, JOURNAL ARTICLES, ETC. EXAM. OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication) INIT. C1 International Preliminary Examination Report of PCT/US00/26051; mailed Dec. 14, 2001. C2 European Search Report of 00963723.2-2413 ex rel PCT/US00/26051; mailed Feb. 12, 2003. C3 Communication pursuant to EPC Article 96(2) of 00963723.2-2413 ex rel PCT00/26051; mailed May 16, 2003. **EXAMINER DATE CONSIDERED**

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